

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SAND CREEK PARTNERS, LTD, *et al.*,

Plaintiffs,

vs.

AMERICAN FEDERAL SAVINGS AND LOAN
ASSOCIATION OF COLORADO, *et al.*,

Defendants.

Case No. 2:14-cv-444-GMN-VCF

ORDER

This matter involves the Cadle Company's post-judgment execution proceeding against Larry Bortles. Before the court are the Cadle Company's Renewed Motion to Compel (#29¹) and Plaintiffs' Motion to Withdraw as Counsel (#31). A hearing on the motion to compel (#29) was held on April 14, 2015. Relevance and privilege objections are overruled. For the reasons stated below, the Cadle Company's Renewed Motion to Compel (#29) and Plaintiffs' Motion to Withdraw as Counsel (#31) are granted.

Discussion:

Local Rule 7-2(d) states that "[t]he failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion." The Cadle Company's Renewed Motion to Compel (#29) was filed on February 20, 2015. An opposition was due March 9, 2015. To date, no response has been filed. This constitutes consent to the granting of the motion.

¹ Parenthetical citations refer to the court's docket.

1 Local Rule IA 10-6 provides that “no withdrawal . . . shall be approved if delay of discovery, the
2 trial or any hearing in the case would result.” No opposition has been filed to the Motion to Withdraw As
3 Counsel. Plaintiff Larry Bortles has consented to the withdrawal of counsel. Here, Mr. Cobeaga has given
4 sufficient reason to withdraw as counsel of record for Plaintiffs. Permitting Mr. Cobeaga to withdraw
5 would not result in delay. LR 10-6. At the hearing, Mr. Cobeaga indicated that he is withdrawing as
6 counsel for all plaintiffs and not just for Plaintiff Bortles. The addresses of Sand Creek Partners, Ltd. and
7 William L. Bergman are not listed on the motion to withdraw. Mr. Cobeaga must mail a copy of this order
8 to Sand Creek Partners, Ltd. and William L. Bergman.

9 Sand Creek Partners, Ltd. is a corporation. Although individuals may represent themselves, a
10 corporation is not permitted to appear in Federal Court unless it is represented by counsel. *U.S. v. High*
11 *Country Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993). The Court thus advises Plaintiff Sand
12 Creek Partners, Ltd. that it may not proceed *pro se*, because corporations must be represented by counsel.

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14 ACCORDINGLY, and for good cause shown,

15 IT IS ORDERED that Plaintiffs' Motion to Withdraw as Counsel (#31) is GRANTED. Counsel,
16 Mitchell Cobeaga, Esq. and John George, Esq., and The Cobeaga Law Firm, may withdraw from this case
17 upon transfer of their file or a complete copy thereof to their clients.

18 IT IS FURTHER ORDERED that Plaintiff Sand Creek Partners, Ltd. has until May 15, 2015 to
19 retain new counsel who must file a notice of appearance in accordance with the Local Rules of Practice.
20 Failure to comply with this order may result in a recommendation to the District Judge for sanctions,
21 including case-dispositive sanctions.

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23 IT IS FURTHER ORDERED that Plaintiffs Larry Bortles and William L. Bergman must either
24 retain counsel or file a notice of appearing *pro se* within 30 days from the entry of this order.
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1 IT IS FURTHER ORDERED that Mr. Cobeaga must mail a copy of this Order to Sand Creek
2 Partners, Ltd. and William L. Bergman.

3 The Clerk of Court is directed to serve a copy of this Order on

4 Larry Bortles
5 191 Grand Meadow Crescent
6 NW, Edmonton, Alberta T6L 1X1

7 Sand Creek Partners, Ltd.
8 c/o Larry Bortles
9 191 Grand Meadow Crescent
10 NW, Edmonton, Alberta T6L 1X1

11 William L. Bergman
12 c/o J. Mitchell Cobeaga, Esq.
13 The Cobeaga Law Firm
14 550 E. Charleston Blvd., Ste. D
15 Las Vegas, Nevada 89104

16 IT IS FURTHER ORDERED that the Cadle Company's Renewed Motion to Compel (#29) is
17 GRANTED.

18 IT IS FURTHER ORDERED that on or before 4:00 p.m., May 21, 2015, Plaintiffs must produce
19 every documents in their possession, custody or control, as follows:

- 20 1. FMP property sale offers or options to purchase dating back 5 years;
- 21 2. Sale documents showing the buyer and purchase price for each of the 11 FPP real property lots
22 sold in 2013;
- 23 3. Ledgers showering all allegedly current limited partners and their alleged partnership interest in
24 FMP;
- 25 4. Ledgers showing all allegedly current limited partners and their alleged partnership interest in
FPP;

1 5. Any amendments to the FMP Partnership Agreement;

2 6. Any amendment to the FPP Partnership Agreement; and,

3 7. Signature by Mr. Bortles on IRS Schedule K-1 form or other appropriate tax forms in lieu of
4 providing tax returns for FPP and FMP which Mr. Bortles claimed were filed.

5 IT IS FURTHER ORDERED that on or before 4:00 p.m., April 21, 2015, Plaintiffs must pay
6 Adams Law Group, Ltd. \$1,505.00 for fees incurred in obtaining this order.

7 IT IS FURTHER ORDERED that on June 2, 2015 at 9:00 a.m. PST, Mr. Bortles must appear at
8 his continued deposition via video conference or by telephone and provide testimony answering specific
9 questions as to the sale and location of sales proceeds of the FPP 11 lots.

10 IT IS SO ORDERED.

11 DATED this 15th day of April, 2015.

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15 CAM FERENBACH
16 UNITED STATES MAGISTRATE JUDGE
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